

### III. REMARKS

Claims 1-40 are pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7, 9, 11-17, 19-26, 28-29 and 31-39 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik *et al.* (U.S. Patent Pub. No. 2002/0184226 A1), hereafter “Klicnik,” in view of Liang *et al.* (*Bundle Dependency in Open Services Gateway Initiative Framework Initialization*, 2002, IEEE), hereafter “Liang,” and further in view of Bansal *et al.* (U.S. Patent Pub. No. 2002/0023661 A1), hereafter “Clohessy.” Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik in view of Liang and Clohessy, and further in view of Yook *et al.* (U.S. Patent Pub. No. 2004/0139177 A1), hereafter “Yook.” Claims 10, 27, 30 and 40 are are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik in view of Liang and Clohessy, and further in view of Hall *et al.* (*Component Deployment on OSGi: The Gravity Case*, January 29, 2003, Fractal Workshop – LSR-Adele), hereafter “Hall.”

**A. REJECTION OF CLAIMS 1-7, 9, 11-17, 19-26, 28-29 AND 31-39 UNDER 35 U.S.C. §103(a) OVER KLICNIK IN VIEW OF LIANG AND CLOHESSY**

With regard to the 35 U.S.C. §103(a) rejection over Klicnik in view of Liang and Clohessy, Applicant respectfully asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1, 11, 19 and 31, Applicant respectfully submits that the Office has misinterpreted Clohessy. In particular, the cited references fail to teach or suggest obtaining the at least one prerequisite if the client device does not have the at least one prerequisite and loading the at least one prerequisite and the native application on the client device. Claim 1 and similarly recited in claims 11, 19 and 31. The Office admits that Klicnik and Liang do not teach these features. Instead, the Office relies on Clohessy. Applicant submits that the Office has misinterpreted Clohessy in that Clohessy, at step S104, determines available runtime system resources in a portable device. That is, Clohessy is determining computational resources of the portable device. See paragraph [0041] in which such things as megabytes of RAM, threads, and sockets availability in the portable device are discussed. In this context, the things that Clohessy is evaluating are clearly different than those of the claimed invention. Clohessy is determining computational resources and then loading an application if resources on the portable device are sufficient to handle the application. See FIG. 4. In contrast, the claimed invention is polling to determine the presence of a prerequisite, obtaining the prerequisite if it's missing and loading the prerequisite and the native application. It is impossible for Clohessy to obtain computational resources and load computational resources on the portable device. Accordingly, Applicant submits that the cited references fail to teach or suggest each and every feature of the claimed invention and respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 11, 19 and 31, Applicant respectfully submits that the references cited by the Office also fail to teach or suggest the loading of both a native application and any prerequisite applications from server to client in an OSGi environment. The Office admits that neither Klicnik nor Liang teaches loading of these applications. Instead, the Office relies on Clohessy. However, contrary to the Office's assertion, Clohessy fails to disclose or suggest loading both a prerequisite and native application. Clohessy only mentions loading one or more "new application components into the portable device." FIG. 4, step 114. Since there is no mention of a prerequisite determined to be missing from the portable device that can be loaded, Applicant submits it is illogical to conclude that Clohessy is loading both a prerequisite and a native application. For the above reasons, the combination of the references cited by the Office does not teach the features of the claimed invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

## **B. OTHER REJECTIONS UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection over Klicnik in view of Liang, Clohessy, and Yook or Hall, Applicant respectfully asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to

dependent claims 8 and 18, Applicant respectfully submits that the cited references fail to teach or suggest that the method for resolving prerequisites is performed recursively for the at least one prerequisite to resolve prerequisites for the at least one prerequisite. The Office admits that Klicnik, Liang and Clohessy do not explicitly teach this feature. Instead, the Office cites Yook. However, Applicants have reviewed the passages and figures cited in Yook and fail to understand how that reference teaches recursively performing the process claimed. Yook shows no recurring events in FIG. 7 or elsewhere. If the Office persists in this rejection, then further explanation as to how Yook provides a recursive process is respectfully requested. Otherwise, Applicant respectfully requests that the rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's

combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Spencer K. Warnick/

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